IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL NO : 2180 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/03/2004 in WP NO : 962 OF 2003 on the file of the High Court.)

Between:

1 M. Krishna reddy, S/o. Narsimhareddy,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.
2 K. Venkataiah, S/o. Bheemaiah,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.
3 Y. Suribabu, S/o. Kameswararao,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.
4 D.K. Jha, S/o. Jagadish Jha,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.
5 N. Jojaiah, S/o. N. Chinnaiah,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.
6 K. Adinarayana, S/o. K. Polaiah,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.
7 Smt. Juljadevi, W/o. Late Babulal Yadav,
R/o. Babujinagar, H/o. Jawahar Nagar Village, Shameerpet Mandal, Rangareddy District.

**..... APPELLANT(S)**

AND

1 The Government of Andhra Pradesh, Rep by its Secretary, Revenue Department,
(Assignments) Secretariat, Hyderabad.
2 The District Collector, Rangareddy District, Hyderabad.
3 The Revenue Divisional Officer, Hyderabad East, Mukharanjahi Market, Hyderabad.
4 The Mandal Revenue Officer, Shameepet Mandal, R.R. District.

**.....RESPONDENT(S)**

**Counsel for the Appellants:MR.M.PRABHAKARA RAO**

**Counsel for the Respondent Nos 1 to 4.: GP FOR REVENUE**

**The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)**

Appellants are aggrieved by the order passed on 25.3.2004 in Writ Petition No. 962 of 2003, which was disposed of with batch of petitions, namely, Writ Petition No. 3912 of 1992 and batch. Learned single judge while hearing the writ petition and batch made different categories under which appellants/petitioners fell. One of the categories was of Ex-Servicemen and the other is of Non-Ex-Servicemen. Appellants' case was grouped in Non-Ex-Servicemen category, which led to issuing directions as contained in Sub-para (iv) of the directions. Whereas, according to the appellants, they are Ex-servicemen and their case ought to have been disposed of by issuing directions as contained in sub-paras (ii) and (iii) of the directions. Appellants state that in order to have the said mistake rectified, Miscellaneous Application, W.P.M.P. No. 12305 of 2004 was filed by them and it was dismissed on 2.7.2004 as not maintainable. Along with the said application, voluminous record was submitted by the appellants to show that they are Ex-servicemen.

There is slight difference in the directions issued in case of Ex-servicemen and Non-Ex-servicemen. Considering the material placed in the miscellaneous petition, prima facie, we are of the view that appellants are Ex-servicemen candidates. Therefore, the directions as contained in directions (ii) and (iii) would govern this case also.

Accordingly, we allow the appeal and modify the impugned order of the learned single judge in so far as Writ Petition No. 962 of 2003 is concerned and direct that

appellants-petitioners' case will be governed by directions (ii) and (iii), but will not be governed by direction No. (iv) of the directions contained in the Common Order dated 25.3.2004, and it will be open for the appellants to produce whatever material they have got in order to establish their title as Ex-servicemen. No costs.

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DEVINDER GUPTA, CJ

Date: 29th December, 2004

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M. NARAYANA REDDY,J

Pnb

Note: Furnish c.c. in two days

B/o

Pnb

To

1 The Secretary, Revenue Department,(Assignments),
Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The District Collector, Rangareddy District, Hyderabad.
3 The Revenue Divisional Officer, Hyderabad East, Mukharanjahi Market,

Hyderabad.
4 The Mandal Revenue Officer, Shameepet Mandal, R.R. District.

5 Two C.Cs., to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

6 Two C.D. copies